

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KIRISUN ELECTRONICS (SHENZHEN) CO., LTD.

Potential Opposer	)	
	)	
v.	)	Opposition No.
	)	(Serial No. 78311404)
KIRISUN USA LLC	)	
	)	
Applicant	)	

**TTAB**

**MOTION TO DISMISS OPPOSER'S MOTION FOR EXTENSION OF TIME**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA. 22313-1451

October 8 2004

Sir:

A Potential Opposer has filed a motion with your Office seeking an extension of time, allegedly for the purpose of considering the possibility of submitting a formal Notice of Opposition, beyond the allowed time frame for formal opposition.

By the foregoing KIRISUN USA LLC (applicant) does hereby request that your Office dismiss the aforementioned motion filed by the Potential Opposer, as it is lacking in sufficient substantive documentation to support an approval of the Potential Opposer's motion by your Office.

As it stands, the Potential Opposer's motion as filed with your office is nothing more than a malicious attempt by the Potential Opposer to delay the registration process of the Applicant's mark with your office, in order to attain certain commercial advantages over the Applicant within the United States.

The Potential Opposer is a Chinese company seeking to usurp the Applicant's mark and ultimately reap the rewards associated with the use of the



10-12-2004

Applicant's mark within the United States, which would result in a devastating impact to the Applicant's business.

The Potential Opposer has had ample previous knowledge that the Applicant had intended to register the Applicant's name and mark with your office. The Potential Opposer has had six (6) months prior knowledge that the Applicant had in fact applied for registration with your office as documented by their email message dated April 12<sup>th</sup> 2004 (Exhibit A). The Potential Opposer opted not to file a formal opposition during the prescribed time although having had ample time to execute this right. Instead the Potential Opposer has sought to maliciously employ damaging delay tactics such as their motion for extension of time on file with your office, as submitted by their legal counsel.

The Applicant respectfully motions your office for a full dismissal of the Potential Opposer's motion for extension of time and furthermore respectfully requests that your office bar the Potential Opposer from further interfering with the Applicant's registration process by rejecting any future, baseless and deficient motions designed and intended to harm and delay the Applicant's registration process with your Office.

Respectfully submitted,

KIRISUN USA LLC

By: 

Antonio A. Vega, President

7255 N.W. 68<sup>th</sup> Street Ste. No. 1

Miami, Florida 33166

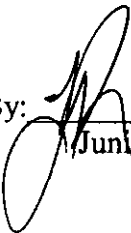
## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss  
Opposer's Motion for Extension of Time has been served upon the Potential Opposer's  
Legal Counsel:

Mr. James M. Slattery  
Birch, Stewart, Kolasch & Birch LLP  
8110 Gatehouse Road Suite No. 500 East  
P.O. Box 747  
Falls Church, VA. 22040-0747

Via Federal Express Courier with Tracking No. 848494843392

By: \_\_\_\_\_

  
Junior Zarut

**SUNPCS**

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**From:** cz [cheryl@public.szptt.net.cn]  
**Sent:** Monday, April 12, 2004 11:26 PM  
**To:** Anthony Vega  
**Subject:** Re: KIRISUN

Dear Tony,

Thank you for the below email about the information with ICT.

We did not know so much details before we shipped 100pcs PT2508/3508 to ICT. But there is one thing is sure that we did not stop our relations with you because of ICT or Enrique.

Frankly speaking, we expected we could do something with you in the US market for the past year but first time you said you would not continue because of some financial problem and would not seek for much invest on radio business. And second time when you came back to us for the business, we did send you samples free and hoped we could restart the business but you did not do anything for FCC approval. Before we signed the exclusive agreement, we have right to sell to other buyers from the US or other American countries.

This year or even at this moment we still do not intend to quit the cooperation with you, but we found that you applies to register our name and mark in the US without our permission and took it as your own property which is not allowed. It will only make things complicated and difficult to continue our cooperation without solving this issue.

You are our customer and we did start to use Kirisun in the US before you submitted the application to the USPTO, so your application will be taken void if we gave enough evidence to prove that when we go to court. Please think about it.

We propose we continue the business on the basis that you returned our name and mark in the US.

Please kindly let me know your proposals.

Best regards,

Cheryl

[EXHIBIT A]